

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

06-cr-481 (JGK)

TREVOR CUMMINGS,

MEMORANDUM OPINION AND
ORDER

Defendant.

JOHN G. KOELTL, District Judge:

On April 29, 2016, this Court denied without prejudice to renewal the motion by the defendant, Trevor Cummings, for an early termination of supervised release. See United States v. Cummings, No. 06-CR-481 (JGK), 2016 WL 2609548, at *1 (S.D.N.Y. May 2, 2016). Pending before this Court is the defendant's renewed motion.

This Court has the discretion to terminate the defendant's supervised release based on "the conduct of the defendant released and the interest of justice." 18 U.S.C. § 3583(e)(1). The Court must consider the factors enumerated in § 3553(a)(1), (a)(2) (B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a) (7). "These factors address 'general punishment issues such as deterrence, public safety, rehabilitation, proportionality, and consistency.'" United States v. Harris, 689 F.Supp.2d 692, 694 (S.D.N.Y. 2010) (quoting United States v. Lussier, 104 F.3d 32, 35 (2d Cir. 1997)). Early termination of supervised release is "occasionally" justified due to the "changed circumstances" of a defendant, such as "exceptionally good behavior." Lussier,

104 F.3d at 36; see also United States v. Simmons, No. 05 CR. 1049 (JGK), 2010 WL 4922192, at *4 (S.D.N.Y. Dec. 1, 2010).

After a careful review of the defendant's circumstances in light of the factors enumerated in § 3553, it is clear that the defendant has made a sufficient showing that his motion should be **granted**.

The defendant has completed approximately three-and-a-half years of his five year term of supervised release. The defendant has been on "low-intensity" supervision for more than one year. It is undisputed that the defendant has complied with all of the conditions of his supervised release. The defendant is fully employed. The defendant's probation officer and the Government do not oppose the motion. "A continued period of supervised release is unnecessary for deterrence, protection of the public or to reflect the seriousness of the offense for which the defendant has already completed a substantial prison term and [more than] half the period of supervised release." United States v. Chaar, No. 00 CR. 217 (JGK), 2005 WL 1844773, at *1 (S.D.N.Y. Aug. 3, 2005). Under all of the circumstances, a termination of supervised release is warranted by the conduct of the defendant and the interest of justice.

The Clerk of Court is directed to close all open motions.

SO ORDERED.

Dated: New York, New York
March 6, 2017

_____/s/_____
John G. Koeltl
United States District Judge